

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY MORRIS, On Behalf of Himself and :
All Other Persons Similarly Situated, : 08-CV-0592 (HB)
: Plaintiff, :
-against- : NOTICE OF
: MOTION TO DISMISS
:
PLANET TOYS, INC. and CBS :
BROADCASTING INC. :
: Defendants. :
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PLEASE TAKE NOTICE, that upon the annexed Affirmation of Lauren M. Dayton, Esq., sworn to on March 25, 2008, and the annexed exhibits thereto, all pleadings and matters of record, and the supporting memorandum of law in support of Defendants' motion to dismiss submitted herewith and made a part hereof by reference, Defendants Planet Toys, Inc. and CBS Broadcasting, Inc., will move this Court before the Honorable Judge Harold Baer at the United States District Courthouse located at 500 Pearl Street, Room 2230, New York, New York, 10007, at a date and time set by the Court, for an order dismissing Plaintiff's Complaint in its entirety, pursuant to the Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief may be granted, and for such other relief as to the Court deems just, proper and equitable.

Dated: New York, New York
March 26, 2008

KANE KESSLER, P.C.

By: Lauren M. Dayton

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